

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MENTE CHEVROLET OLDSMOBILE, INC:
F/K/A MENTE CHEVROLET, INC. t/a :
MENTE CHEVROLET :

CIVIL ACTION

and

MENTE CHRYSLER DODGE, INC.

and

DONALD M. MENTE,

Plaintiffs,

V.

GMAC,

Defendant.

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND
FOR DECLARATORY JUDGMENT**

The plaintiff Mente dealerships and Donald M. Mente individually (collectively, “Mente” or “plaintiffs”), by and through their undersigned counsel, pursuant to Rules 56 and 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202, hereby move the Court for an Order granting partial summary judgment on Count II (Violation of 42 U.S.C. § 1983) and Count VIII (Conversion) of Plaintiffs’ First Amended Complaint (the “Complaint”) and for a Declaratory Judgment on Count IX of the Complaint on plaintiffs’ Section 1983 and conversion claims. The grounds for this Motion are fully set forth in plaintiffs’ accompanying Memorandum of Law, the Statement of Undisputed Material Facts, the Declaration of Kenneth A. Jacobsen, the Declaration of Joseph Galvin, and the expert reports of plaintiffs’ experts Joseph F.

Roesner, MBS, CMA and Carl Woodward, CPA, which are all incorporated herein fully by reference.

Dated: September 28, 2009

Respectfully submitted,

/s/ Kenneth A. Jacobsen
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